

Message Text

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DRAFTED BY EB/TCA/MA:JAPURNELL:CAB

APPROVED BY EB/TCA/MA:RKBANK

L/EB - JCROOK

CUSTOMS- MR. HART (PHONE)

ARA/CAR - MR. THYDEN

D/LOS:JBERNHARDT

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FM SECSTATE WASHDC

TO AMEMBASSY NASSAU

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E.O. 11652: N/A

TAGS: EWWT, BF

SUBJECT: PROPOSAL TO LEVY LIGHT DUES

REF: NASSAU 1083, BAHAMA,S 1976 LIGHT DUES ACT

1. THE PRELIMINARY OPINION OF THE U.S. CUSTOMS SERVICE, AFTER EXAMINING TEXT OF ACT, IS THAT THE ACT, IF ENFORCED, WILL MAKE IT IMPOSSIBLE FOR CUSTOMS TO ADD THE BAHAMAS TO THE LIST OF COUNTRIES WHOSE FLAG-VESSELS ARE EXEMPTED FROM PAYING SPECIAL TONNAGE TAX AND LIGHT MONEY IN U.S. PORTS.

2. UNDER INFORMAL ARRANGEMENTS EXISTING AT PORT OF MIAMI, WHICH APPEARS TO BE PRINCIPAL PORT FOR BAHAMIAN VESSELS TOUCHING AT U.S., BAHAMIAN VESSELS ARE NOT CHARGED LIGHT MONEY, UNDER THE PRESUMPTION THAT U.S. VESSELS NOT CHARGED
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SUCH DUES AT BAHAMIAN PORTS, AND THAT BAHAMAS QUALIFIED,

AS A FORMER BRITISH COLONY, FOR RECIPROCAL EXEMPTION GIVEN FORMALLY TO BRITISH-FLAG VESSELS. AS EMBASSY AWARE, SOME BAHAMIAN-REGISTERED VESSELS STILL FLY THE BRITISH FLAG, THEREFORE IT IS NOT ABSOLUTELY CERTAIN THAT CUSTOMS WOULD BE ABLE TO CHARGE THOSE VESSELS SPECIAL TONNAGE TAX AND LIGHT MONEY EVEN IF BAHAMAS FAILED TO GRANT NATIONAL TREATMENT TO U.S.-FLAG VESSELS.

3. DESPITE FOREGOING, WE THINK IT APPROPRIATE THAT EMBASSY INFORM GCOB THAT U.S. CANNOT GRANT NATIONAL TREATMENT TO BAHAMIAN VESSELS CALLING AT U.S. PORTS EXCEPT ON A RECIPROCAL BASIS. IF BAHAMIANS DO NEVERTHELESS BRING BILL INTO FORCE, AND CHARGE U.S.-FLAG VESSELS, WE WILL AT THAT TIME HAVE TO EXAMINE MORE CLOSELY THE POSSIBILITY OF IMPOSING SPECIAL TONNAGE TAX AND LIGHT MONEY ON BAHAMIAN VESSELS FLYING THE BRITISH FLAG, AS WELL ON THOSE FLYING BAHAMIAN FLAG.

4. IN PARTICULAR REFERENCE TO SECTION 3 OF THE ACT "LIGHT DUES SHALL BE PAYABLE IN RESPECT TO ALL SHIPS WHATEVER PASSING THROUGH THE WATERS OF THE PAHAMAS, EXCEPT SHIPS BELONGING TO THE GOVERNMENT AND EXEMPTION SHIPS", DEPARTMENT REVIEWING PHRASE "...PASSING THROUGH WATERS OF THE BAHAMAS..." IN LIGHT OF POSSIBLE LOS IMPLICATIONS. HABIB

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